



W.P.No.23290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.11.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No. 23290 of 2023

A. Sakthivel

... Petitioner

Versus

1.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Cuddalore,
Cuddalore District.

2.The Tahsildar,
Panruti Taluk,
Cuddalore District.

3. C. Soundararajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, Calling for entire records connected with impugned order of the 1st Respondent's proceedings in Na.Ka.A7/ 1649/ 2023 Dated 07.07.2023 and quash the same as illegal and ultra – virus.

For Petitioners : Mr.K. Panjamurthy

For Respondents : Mr. V. Veluchamy, AGP (for R1 & R2)
: Mr. J. Rajmohan (for R3)



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ORDER

Challenging the order dated 07.07.2023 passed by the first respondent, the present writ petition has been filed by the petitioner.

2. According to the petitioner, the possession of land of an extent of 0.0214 sq.mtr, comprised in S.No.495/5 at Vallam Village was holding by him. The Revenue Records for the said land was rightfully mutated in the petitioner's name, and a Patta bearing Patta No.650 was also duly issued in his favour. Thereafter, a Sale Deed dated 25.01.2023 was executed by the petitioner in favour of his wife and the same was registered before the Sub-Registrar, Kadampuliur. Suddenly, on 07.07.2023, the petitioner received a proceedings in Na.Ka.A7/1649/2021, passed by the first respondent, directing the second respondent to cancel the said Patta standing in the petitioner's name and recommended to issue Patta in favour of the third respondent herein. Since a representation was made by the third respondent and based on the said representation, alleging the ownership through a purchase made by his father, Chinnarasu, in a different land with no connection to the petitioner's property, after due enquiry the first respondent passed the said impugned order, dated



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07.07.2023, recommending the second respondent to cancel the petitioner's Patta and to issue the same in favour of the third respondent. Despite the lack of correlation between the lands, the first respondent recommended to cancel the Patta, without due process. Challenging the same, the present Writ Petition is filed before this Court.

3. The learned counsel for the petitioner has submitted that the petitioner is in possession of the land of an extent of 0.0214 sq.mtr, comprised in S.No.495/5 situated at Vallam Village, Panruti Taluk, Cuddalore District. The Revenue Records pertaining to the said property were mutated into his name and the Patta bearing No.650 was also issued in favour of the petitioner.

4. The learned counsel for the petitioner has further submitted that the property purchased by one Chinnarasu, who is the father of the third respondent, is comprised in S.No.187/2, whereas, the petitioner's land is comprised in S.No.495/5, and there is no nexus between both the lands. Therefore, the impugned order passed by the first respondent, recommending the second respondent to cancel Patta No.650 standing in



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the name of the petitioner and issue fresh Patta in the name of the third respondent, is unsustainable in law and is liable to be set aside.

5. The further contention of the learned counsel for the petitioner is that the impugned order passed by the first respondent cancelling of Patta, which stands in favour of the petitioner, is without affording opportunity to him, is in violation of the principles of natural justice.

6. On a perusal of records it clearly reveals that based on the representation given by the third respondent, the first respondent conducted a detailed enquiry with the concerned Village Administrative Officer and the Village Assistant, and after verification of relevant Revenue Records in respect the disputed property, the first respondent concluded that the Patta sought for the land, measuring 0.0214 sq.mtr comprised in S.No.495/5, was issued wrongly in favour of the petitioner and thereby the first respondent directed to issue Patta in favour of One Soundararajan, S/o. Chinnarasu, who is the third respondent herein and the Revenue Records in respect of the said lands mutated.



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7. Considering the facts and circumstances of the case, and taking into consideration the fact that the petitioner has not produced any documents to prove his title over the disputed property, the contention of the learned counsel for the petitioner that the impugned order has been passed by the first respondent, in the absence of relevant documents, cannot be accepted. However, it is open to the petitioner to work out his remedy before the Civil Court in the manner known to law.

8. With the above observations and direction, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.11.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt

To:

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O/o. Revenue Divisional Officer,
Cuddalore, Cuddalore District.

2.The Tahsildar,
Panruti Taluk, Cuddalore District.



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P. VELMURUGAN, J.

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